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**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

MARK F. DURFEE,

Plaintiff,

vs.

**EQUINOX CAPITAL III, L.P.,
EQUINOX CAPITAL SBIC, L.P.,
EQUINOX PARTNERS III, LLC,
EQUINOX SBIC PARTNERS, LLC,
EQUINOX CAPITAL, INC.,
EQUINOX SMU MANAGEMENT,
LLC, EQUINOX SMU PARTNERS,
LLC, SMU HOLDINGS, INC, SMU
ACQUISITION CORP., EQUINOX
EIC MANAGEMENT LLC,
EQUINOX EIC PARTNERS, LLC,
EIC ACQUISITION CORP., EIC
HOLDING, INC., EIC SMU
ACQUISITION CORP. and STEVEN
C. RODGER,**

Defendants.

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: **CIVIL ACTION NO.:**
: **2:08-cv-02977 (KSH/PS)**
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COMPLAINT AND JURY DEMAND

Document Electronically Filed

NOTICE OF APPEARANCE

Scott S. Flynn, Esq., of the law firm McElroy, Deutsch, Mulvaney & Carpenter, LLP, hereby enters an appearance in this matter on behalf of Plaintiff Mark F. Durfee.

Date: June 20, 2008

By: /s/ Scott S. Flynn
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